

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04352 (SMB)

RAR ENTREPRENEURIAL FUND, LTD., et al.,

Defendants.

**DECLARATION OF NICHOLAS J. CREMONA, PURSUANT TO 28 U.S.C. § 1746,  
IN SUPPORT OF TRUSTEE'S MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANTS' MOTION FOR LEAVE TO APPEAL**

Pursuant to 28 U.S.C. § 1746, NICHOLAS J. CREMONA hereby declares as follows:

1. I am a partner at Baker & Hostetler LLP, counsel for Irving H. Picard, Plaintiff in the above captioned action, and I submit this declaration in opposition to Defendants' Motion Seeking Leave to Appeal the July 16, 2015 order of the Bankruptcy Court (Hon. Stuart M. Bernstein) denying in part and granting in part the motion to dismiss filed by RAR Entrepreneurial Fund, Ltd. and Russell Oasis (collectively, "Defendants" and their motion, the

“Motion for Leave”) following entry of Judge Bernstein’s memorandum decision regarding omnibus motions to dismiss (the “Order”), ECF No. 61.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Transcript of Oral Argument Re: Motion to Withdraw the Reference to the Bankruptcy Court, *Picard v. Greiff*, No. 11 Civ. 3775 (JSR) (S.D.N.Y. July 28, 2011), ECF No. 17.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Transcript of Hearing In Re: First Application for Interim Professional Compensation for Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred for Baker & Hostetler LLP, et al., *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. (In re Madoff Sec.)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2009), ECF No. 381.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 17, 2015  
New York, New York

/s/ Nicholas J. Cremona  
Nicholas J. Cremona